

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

PHILLIP FUGATE,)	
)	
Plaintiff,)	
)	
COMMERCE AND INDUSTRY)	
INSURANCE,)	
)	
Intervenor,)	
)	
v.)	Case No. 3:06-0351
)	Judge Echols
UNITED TELEPHONE SOUTHEAST,)	
INC., ¹ ALAMON TELCO, INC.,)	
NORTEL NETWORKS, INC.,)	
and JIM HYATT,)	
)	
Defendants.)	
)	
NORTEL NETWORKS, INC.,)	
)	
Third-Party Plaintiff,)	
)	
v.)	
)	
ALAMON TELCO, INC.,)	
)	
Third-Party Defendant.)	

ORDER

For the reasons set forth in the Memorandum issued contemporaneously herewith, the Court hereby rules as follows:

¹The parties moved to substitute United Telephone-Southeast, Inc. d/b/a Barq for Sprint, Inc. (Docket Entry No. 35), which was deemed moot by Magistrate Judge Bryant because Plaintiff filed an Amended Complaint naming "United Telephone Southeast, Inc." as a Defendant instead of Sprint, Inc. (Docket Entry Nos. 41, 48). The Intervenor's Complaint names "United Telephone-Southeast, Inc. d/b/a Barq" as Defendant (Docket Entry No. 53). The Clerk is directed to terminate Sprint, Inc. as a Defendant in this case.

(1) Defendant Jim Hyatt's Motion to Dismiss (Docket Entry No. 28) is hereby GRANTED and that Defendant is hereby DISMISSED from this action;

(2) Defendant United Telephone Southeast, Inc.'s Motion to Dismiss Plaintiff's Common Law Claims (Docket Entry No. 54) is hereby GRANTED and Plaintiff's state law claims are hereby DISMISSED as to that Defendant; and

(3) This case is returned to the Magistrate Judge for further pretrial management in accordance with Local Rule 16.01.

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", is written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE